

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOSEPH MORIVAL,

Plaintiff,

-against-

YESHIVAH TALMUD TORAH OF
CROWN HEIGHTS,

Defendant.

-----x
MEMORANDUM AND ORDER
Case No. 18-CV-6314 (FB) (JO)

BLOCK, Senior District Judge:

Magistrate Judge Orenstein issued a Report and Recommendation (“R&R”) recommending that the Court approve the settlement of this action pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206 (2d Cir. 2015). The R&R provided that “[a]ny objections to this Report and Recommendation must be filed no later than November 13, 2019,” and warned that “[f]ailure to file objections within this period designating the particular issues to be reviewed waives the right to appeal the district court's order.” The R&R was served electronically on all parties. No objections have been filed.

Where clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without de novo review. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the

consequences, failure timely to object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision.”). The Court will, however, excuse the failure to object and conduct de novo review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

No error, plain or otherwise, appears on the face of the R&R, so the Court adopts it without de novo review. Accordingly, the settlement—attached as Exhibit 1 to the parties' joint letter of October 28, 2019—is approved.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
November 15, 2019